

COMMITTED TO BUILDING A BETTER LEGAL PROFESSION FOR ALL

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LSSA opposing Proxi Smart move for conveyancing-related services

The LSSA is opposing an application to the High Court: Gauteng Division by Proxi Smart (Pty) Limited for the latter to render certain conveyancing-related services which are presently performed by conveyancers. By agreement, the LSSA must submit an answering affidavit by 28 February 2017.

The Attorneys Fidelity Fund (AFF), the Chief Registrar of Deeds and the Justice Minister are also respondents. The AFF has filed its notice to oppose.

- ▶ [Read more here.](#)

Practice management training: Deadline for registration: 9 December 2016

If you were issued with your first Fidelity Fund certificate in 2015 or earlier this year, you are reminded that you need to comply with the mandatory practice management training (PMT) requirements in terms of the Judicial Matters Second Amendment Act, 2003, in order to receive your subsequent certificates.

The deadline for the first intake for the LEAD PMT course in 2017 is 9 December 2016.

The course starts in February 2017.

- ▶ [Download the information brochure](#) and registration form here.

- ▶ [View the training schedule here.](#)

Extensions: The prerogative to grant an extension lies solely within the discretion of the relevant provincial law society. Practitioners may apply for extension if they realise that they have not yet completed the PMT course and their first Fidelity Fund certificate is about to expire. If the extension is granted, the attorney will get a second Fidelity Fund certificate, but will have to complete the course before the second certificate expires.

2017 professional exam dates

The professional examination dates for 2017 are:
Admission examination: 14 - 15 February or 22 – 23 August;
Conveyancing examination: 10 May or 6 September;
Notarial examination: 7 June or 11 October.
Candidates should register with the relevant provincial law society.

► [Read more here.](#)

Mid-term report by LSSA Co-Chairpersons on developments in the profession

LSSA Co-Chairpersons, Mvuzo Ntyesi and Jan van Rensburg, presented their mid-term report of activities at the AGMs of the provincial law societies and the Black Lawyers Association in October and November. The report covers developments in the profession from April until November 2016.

► [Download the mid-term report by the Co-Chairpersons here.](#)

Latest on the Legal Practice Act

The National Forum on the Legal Profession (NF) will be holding its seventh plenary meeting on Saturday, 26 November 2016.

The NF will have completed its 24 month lifespan by February 2017 and will be into its final year to finalise the groundwork for and hand over to the Legal Practice Council by early 2018. The NF has submitted [three reports on its activities](#) to Justice Minister Michael Masutha. Currently, negotiations are underway with the provincial law societies for the transfer of staff and assets to the Legal Practice Council.

[Read more.](#)

Exemptions: Practitioners who have prior experience in practice management or the necessary qualifications, can approach their relevant provincial law society to apply for exemption from attending the practice management training course.

Two LEAD e-courses in 2017: Business rescue practice and medical law

LEAD/Unisa Advanced Short E-course in Business Rescue Practice

This online course will equip you with knowledge on the implementation of business rescue proceedings. Learn to apply practically the provisions of the Companies Act, 2008 and other relevant laws regulating or applicable to business rescue proceedings, including the appointment and functions of a business rescue practitioner. The course duration is from February to May 2017. Registration closes on 10 February 2017.

► [Download the information and registration brochure here.](#)

Introduction to Medical Law for Attorneys e-Course

This e-course consists of various modules, each focusing on a specific requirement of medical negligence and aspects of medical law in general.
Only R850.

Course duration: 1 March 2017 – 17 May 2017.
Registration closes 1 February 2017.

► [View information brochure and registration form.](#)

Calling potential practice management instructors

Attendance of the Practice Management Training (PMT) course has, since July 2009, become mandatory for those attorneys who want to start practising for own account or who are appointed directors/partners at firms. LEAD is currently the provider for this training. In our endeavour to provide PMT in all areas (where students are registered) and also to increase our instructor panels, LEAD invites interested attorneys with a minimum of five years' appropriate practice experience to be instructors for the following modules: Risk Management and Insurance, Law Business Finance and Strategic Management.

► If you are interested, please forward your CV, indicating the area where you prefer to train, to pmt@lssalead.org.za

Request for comments: Physical address requirement for regional court

The LSSA's specialist Magistrates' Courts Committee met recently to attend to various matters affecting the legal profession's interaction with Magistrates' Courts.

Recent amendments to the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa (the Rules) took into account that there may be a dearth of legal practitioners or firms in smaller jurisdictions, hence the requirement of three or more attorneys or firms of attorneys practicing independently of one another with reference to a physical service address.

A proposal has been made at the Committee that the Rules could be amended to exempt parties from providing a physical address within 15 kilometres of the regional courthouse in situations where parties are represented by attorneys who have a facsimile address and electronic mail address and who are located within the regional district of the Regional Court. Such an exemption may read as follows:

LEAD mediation training in 2017

Do you want to **train practitioners** in mediation? Then consider the LEAD Train-the-Trainer workshop in Cape Town, Durban and Johannesburg in January 2017.

If, however, you plan to embark **on mediation**, consider the LEAD mediation or special divorce mediation training in 2017.

► [View information brochures and registration forms.](#)

NADEL human trafficking workshop

As part of its action plan to combat human trafficking, the National Association of Democratic Lawyers (NADEL) will be holding a workshop on the subject on 1 December. The workshop will take place at Webber Wentzel in Sandton from 13:00 to 15:00. The primary aim of the workshop is to equip attorneys with the necessary technical and soft skills to deal with human trafficking matters. The workshop is free of charge and is open to all members of the profession.

► Practitioners can register to attend the workshop by contacting Memory Sosibo at memorys@nadel.co.za or call 081 710 7910. The registration deadline is 25 November.

Looking for a new challenge in 2017?

Visit the '**Law Careers Online**' section on our website for a selection of 'legal' positions. This initiative is offered in cooperation with CareerJunction.

'Where the [all] parties to the proceedings are represented by attorneys, the postal address, and where available, facsimile address and electronic mail address may be used as the preferred address for service on the other party of all documents in such action, and service thereof at the address so given shall be valid and effectual, except where by an order or practice of the court personal service is required. The parties shall not be required to have a physical address within 15 kilometres of the courthouse.'

Given the significance of this, the Committee has resolved to obtain input from legal practitioners on the feasibility of this proposal.

► Attorneys are invited to forward their comments to the LSSA to kris@LSSA.org.za before Monday, 2 December 2016 for consideration by the Committee.

Empower a growing firm through the LSSA Synergy Link

The LSSA invites leading law firms to join it in its Synergy Link initiative aimed at empowering predominantly black-owned firms. The initiative will assist predominantly black-owned law firms (the 'growing' firms) to enter new fields from which they, traditionally, have been excluded. A 'growing' firm will be linked to a 'transferring' firm for a certain period, to be empowered in an advanced area of practice. This initiative can be utilized by the 'transferring' firm towards enterprise development B-BBEE points.

If you would like more information, or to offer your firm as a 'transferring' firm, please e-mail LSSA@LSSA.org.za or [read more here](#).

► [Click here](#) to register as a 'transferring' firm.

2016 survey of the attorneys' profession

The Law Society of South Africa (LSSA) in conjunction with LexisNexis conducted a national survey of the attorneys' profession. The survey analysed the

► [Click here](#).

AIIF RISK ALERT BULLETIN

The November issue of the Attorneys Insurance Indemnity Fund's *Risk Alert Bulletin* includes:

- The new AIIF Policy: Three months on
- Creating a risk management culture in law firms
- The AIIF's Prescription Alert Unit
- RAF matters: Beware certain pitfalls

► [Download the Risk Alert Bulletin here](#).



Did you miss the November issue of *De Rebus*?

Highlights in this issue included:

- The effect of the 'once empowered always empowered rule on the mining industry';
- The SADC Lawyers Association annual conference;
Editorial on the formation of a broad-based professional interest association that will protect the interest of all legal practitioners.

Read the November issue at www.derebus.org.za

Look out for the December issue due out on 28 November. Read it online first at www.derebus.org.za

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evolution of South African law firms as they responded to the challenges facing the profession in 2016.

► The full survey report can be [downloaded here](#).

Concourt Practice Direction: *Dies non*

The Chief Justice issued a practice direction on 18 November 2016 noting that the period between Friday, 16 December 2016 and Friday, 3 January 2017, inclusive of both days, will not be counted in the time permitted in the Rules of the Constitutional Court for lodging applications, responding affidavits and other documents, notices and process.

► [Read the full practice direction here](#).

Latest comments by the LSSA

The LSSA has made comment on the **Green Paper on International Migration in South Africa**. The LSSA welcomed the proposals in relation to economic management of labour migration from SADC countries. However, it is concerned about the Paper's proposals in relation to the management of asylum seekers and refugees, specifically the introduction of new migration-related legislation, in particular the Refugees Amendment Bill, 2015 and the amendment of the Immigration Regulations while the Green Paper process is still ongoing; its silence in relation to the needs of foreign children in the migration system; the failure of the Paper to address the poor quality of decision making in relation to asylum applications; and the proposal to open processing centres on the borders of South Africa.

► [View the full submission here](#).

The LSSA has also considered the proposed amendments contained in the **Draft Liquor Amendment Bill, 2016** which proposes amendments to the existing Liquor Act 59 of 2003, The LSSA noted that, although the Bill attempts to address some of the issues raised in the Final National Liquor Policy, unfortunately the amendments will not achieve the desired outcome.

► [View the full submission here](#).

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Contact the LSSA

Contact the LSSA for any further information on items in this newsletter

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Tel: +27 (0)12 366 8800

Contact *De Rebus*

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Tel: +27 (0)12 366 8800

Contact LEAD for information on training activities

E-mail: info@LSSALEAD.org.za

Tel: +27 (0)12 441 4600

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Pretoria

Recent press releases

- 5 November 2016: Black Lawyers Association welcomes the release of the Public Protector's State Capture Report. [Read press release.](#)
- 2 November 2016: Law Society welcomes release of *State of Capture* report and also that NDPP is to brief Justice Portfolio Committee on withdrawal of charges against Finance Minister. [Read press release.](#)
- 1 November 2016: NADEL press statement: NADEL calls for probe into the NPA and HAWKS. [Read press release.](#)
- 31 October 2016: LSSA welcomes withdrawal of charges against Finance Minister. [Read press release.](#)
- 25 October 2016: Law Society urges South African Government to reconsider withdrawing from the International Criminal Court. [Read press release.](#)
- 2 October 2016: Law Society joins calls for investigation into fitness for office of SABC Board members. [Read press release.](#)
- 1 October 2016: NADEL notes the recent controversial decision by the SABC to appoint its former COO as its Group Executive of Corporate Affairs. [Read press release.](#)
- 30 September 2016: Law Society offers services of attorney mediators to resolve education impasse. [Read press release.](#)
- 28 September 2016: The Cape Law Society offers to mediate in the 2017 education crisis. [Read press release.](#)

A compendium of practice management articles written by experts for *De Rebus* to support you in your practice.

Recent addition to the toolkit includes

• **Letters of engagement – documenting the ambit of the instruction given to the attorney**

This article by the Attorneys Insurance Indemnity Fund, addresses the importance of recording where the practitioner's mandate ends, namely, what services does the client expect the attorney to render and at what stage will the mandate in respect of a particular matter or instruction be fulfilled?

▶ [Read more.](#)

▶ Access the [full Practice Management Toolkit here.](#)

African Court on Human and People's Rights information video

Do you know what the functions of the African Court on Human and Peoples' Rights are? Have a look at the court's informative short animation video, which also covers freedom of expression, as well as information on when the court came into being, its structure and its mandate.

▶ [Click here for the animation video.](#)



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